

REMARKS

Drawings:

Applicant notes that on the Form PTOL-326 it is indicated that the Drawings have been objected to. However, within the detailed discussion of the office action, the Examiner has not provided any details regarding the drawings.

Therefore, Applicant presumes that the indication on Form PTOL-326 is an oversight and that the drawings have been approved. If Applicant's presumption is incorrect, Applicant hereby requests the Examiner specifically identify the objection to the drawings.

Allowable Subject Matter:

Applicant sincerely thanks the Examiner for indicating that claims 8, 11, 12, 16-18 and 20 contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections:

Claims 1-20 are all of the claims pending in the present application, and currently claims 1-7, 9, 10, 13-15 and 19 stand rejected.

35 U.S.C. § 103(a) Rejection - Claims 13-15 and 19:

Claims 13-15 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,111,827 to Miike in view of U.S. Patent No. 5,995,478 to Park. In view of the following discussion, Applicant respectfully traverses the above rejection.

As agreed by the Examiner, Miike fails to disclose a movable member being supported by two shafts. In an effort to cure this deficiency, the Examiner relies on the teachings of Park.

Specifically, the Examiner asserts that “Park shows an optical module supporting mechanism in Figs. 2 and 3, wherein the movable member supported by two shaft through the corresponding holes on the movable body.” Office Action, pages 2-3. In view of the following discussion, Applicant respectfully disagrees.

Specifically, Applicant notes that Park discloses an optical pickup 25 which is mounted by two supports 23a and 23b. However, Park indicates that item 25 is the “optical pickup” of the disclosed device. Thus, the optical pickup 25 likely contains an emitting element and a receiving element to perform the optical pickup function. As this is the case, in Park the optical pickup 25 best corresponds to the “hybrid optical module” of the present invention, and/or to the hybrid optical module 1 of Miike. There is no disclosure, in Park, of mounting the optical module 25 onto any kind of “movable member” as claimed in the present application.

Specifically, in the present invention “a movable member [] is supported by at least a first shaft and a second shaft; and a hybrid optical module ... [is] mounted on [the] movable member.” *See* claim 13. This is neither taught nor suggested in either of the above prior art references. As admitted by the Examiner, there is no such movable member in Miike. Applicant submits that this is also the case with Park. Namely, Park only discloses an optical module 25 mounted via the two supports 23a and 23b. There is no disclosure of mounting the optical module 25 on a movable member, as is the case with the claimed invention.

Therefore, even if the Miike and Park references were combined, as suggested by the Examiner, the resultant combination would fail to teach or suggest each and every feature of the claimed invention.

Much like the previous rejections, using the Miike reference, the Examiner appears to be misinterpreting and/or misapplying the teachings of the references. In Park, it is the optical module 25 which is mounted by the supports 23a and 23b, and there is no discussion of using a movable member onto which the module 25 is to be mounted. Thus, the Examiner is alleging that the module 25 corresponds to both (1) the movable member supported by two shafts and (2) the hybrid optical module mounted on the moveable member.

Since the module 25 cannot correspond to both the moveable member and the hybrid optical module, Park does not cure the deficient teachings of Miike. Specifically, as previously argued by the Applicant (and recognized by the Examiner), Miike does not disclose or suggest all of the elements of claim 13. *See* Applicant's Amendment filed August 11, 2003. As previously pointed out regarding the frame 1 in Miike, assuming *arguendo* that the frame 1 corresponds to the claimed movable member, Miike does not suggest the claimed hybrid optical module, and conversely, assuming *arguendo* that the frame 1 corresponds to the claimed hybrid optical module, Miike does not suggest the claimed moveable member. This same reasoning applies to Park, in that the module 25 can not be both the hybrid optical module and the movable member, particularly as Park clearly indicates the module 25 as an optical module.

Thus, neither of the references disclose a movable member, and as such, even if the references were combined, the resultant combination would fail to teach or suggest such a component. Namely, Applicant submits that if a skilled artisan were motivated to combine Park with Miike, they would be motivated to simply mount a module 25 with the supports 23a and 23b. There is no motivation or suggestion to mount the module 25 on a separate movable

member, as in the present invention. Such a modification would increase the cost and complexity of the combination, without any motivation to do so. Applicant submits that a skilled artisan would not make such a change. Again, because neither reference teaches using a movable member, as in the claimed invention, there is no motivation or teaching found in the references to do so. Stated differently, if Mike and Park are combined, the optical pickup 25 of Park would be replaced with the hybrid optical module 1 of Miike, or vice versa, and the skilled artisan would not have been motivated to replace the module 25 of park, with the member 15.

In view of the foregoing, Applicant submits that even if a skilled artisan were motivated to combine the Park and Miike references, the resultant combination would fail to teach or suggest each and every limitation of claim 13. Therefore, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 13, as required under the provisions of 35 U.S.C. § 103(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of claims 13-15 and 19.

35 U.S.C. § 103(a) Rejection - Claims 1-7, 9 and 10:

Claims 1-7, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miike in view of Park, in further view of U.S. Patent No. 5,297,127 to Ohtsuka. In view of the following discussion, Applicant respectfully traverses the above rejection.

Applicant submits that because claims 1 and 4 contain a similar limitation to claim 13, (i.e. the movable member upon which an optical module is supported), the arguments set forth above regarding claim 13 equally apply to claims 1 and 4. Further, Ohtsuka fails to cure the

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deficient teachings of the Park and Miike references, vis-à-vis the movable member. Therefore, Applicant submits that claims 1-7, 9 and 10 are allowable for at least the same reasons as those set forth above, and hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of these claims.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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